

# UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

MICHAEL J. CANNELL, dob xx-xx-85

Case No.

21-M-

722

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 8, 2021 in the county of Brown in the Eastern District of Wisconsin, the defendant(s) violated:

*Code Section*

18 U.S.C. Sections 2251(a)

*Offense Description*

As to Counts One through Four-In the State and Eastern District of Wisconsin, Michael Cannell knowingly and intentionally used Minor Female 1 to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had been mailed, shipped, and transported in interstate or foreign commerce, specifically, a hidden recording device and cell phone. See affidavit for specific description of the applicable movie file.

This criminal complaint is based on these facts:

See Attached affidavit

☒ Continued on the attached sheet.



*Complainant's signature*

Brown County Sheriff Sgt Tracy Holschbach

*Printed name and title*

Sworn to before me and signed in my presence.

Date:

9/21/2021

City and state:

Green Bay, Wisconsin



*Judge's signature*

Honorable Jame R. Siskel

*Printed name and title*



## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT & ARREST WARRANT**

Tracy Holschbach, being first duly sworn, states that:

### **Background**

1. I am currently employed as a Sergeant with the Brown County Sheriff's Office (BCSO) and have been a law enforcement officer for 18 years. While employed at BCSD, I have investigated violations related to high technology or cybercrime, child exploitation, and child pornography. I have gained experience through training at seminars, classes, discussions with other knowledgeable agents and everyday work related to conducting these types of investigations. This includes over 80 hours of training in the investigation of computer facilitated exploitation of children, and methods of forensic analysis of computers used in criminal activity. This training was provided by the Wisconsin Department of Justice, Division of Criminal Investigation and the United States Department of Justice Internet Crimes against Children Training and Technical Assistance Program. I have also executed numerous child pornography search and arrest warrants. I am also trained as a forensic examiner of devices containing child pornography and thus have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media.

2. I am aware of the following federal statutes concerning child pornography:

a. 18 U.S.C. § 2251(a) and (e) prohibits any person from employing, using, persuading, inducing, enticing, or coercing any minor to engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign

commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, or attempting or conspiring to do so.

b. 18 U.S.C. § 2256 – “sexually explicit conduct” includes the lascivious exhibition of the anus, genitals, or pubic area of any person. In establishing whether an image is lascivious, the focus of the image must be on the genitals or the image must be otherwise sexually suggestive. *United States v. Miller*, 829 F.3d 519 (7<sup>th</sup> Cir. 2016). In making this determination, the fact finder will look to the image itself as well as the creator’s intent in making the video.

### **Basis for Information in Affidavit**

3. The statements contained in this affidavit are based in part on the following: information I gained as part of my investigation as well as that provided by BCSO deputies and investigators and officers from the De Pere police department; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance; independent investigation and analysis by BCSO analysts and computer forensic professionals; and my experience, training and background as a Sergeant with BCSO. This affidavit includes only those facts that I believe are necessary to establish probable cause and does not include all of the facts uncovered during the investigation. Based on my investigation and the information supplied to me by other law enforcement personnel, I have probable cause to believe the following regarding Michael Cannell, dob XX/XX/85.

### **Facts Establishing Probable Cause**

4. On August 31, 2021, I assisted in the execution of a search warrant at Cannell’s residence located on Lost Dauphin Road, Lawrence, State and Eastern District of Wisconsin. The search warrant was based on an investigation involving undercover agents downloading child

pornography from a device located at that residence in April 2021 that contained file sharing software and child pornography files. During the execution of the search warrant, law enforcement seized an Apple Iphone Model 12 Pro Max cell phone believed to be possessed by Cannell and observed a recording device that was not seized but a photo was captured of it. This recording device was a black wall charger cube with a USB charging port. Through examination of Cannell's Apple Iphone Model 12 Pro Max, two different hidden camera purchases were discovered from Cannell's Amazon purchase history weeks prior to the planned visit of Minor Female 1 to Cannell's residence.

5. Forensic exam of the Apple Iphone Model 12 Pro Max by myself and BCSO Investigator Tyler Behling revealed that Cannell possessed the phone as supported by pictures, text messages, and business files. A further review of the cell phone revealed a large number of what appear to be adult pornography files, some of which contain Cannell and other females, as well as approximately 4 videos that I believe to be child pornography. The video files generally depict Minor Female 1 disrobing in the guest bathroom of Cannell's residence as captured by a hidden recording device. Other videos depict Minor Female 1 changing clothes in a guest bedroom of the residence, also captured by a hidden recording device. The video files are time stamped using the recording devices internal features used to capture date and time which are believed to be accurate based on Minor Female 1's later interview with law enforcement where she recalled the times and events on this date. The dates and times captured are August 8, 2021 between 2:10am and 4:02am. More specifically those files are as follows:

- a. One video file approximately 1 minute and 21 seconds in length and entitled YIEYE-056660-VMSSP\_2021-08-08 021425 that was captured on August 8, 2021 (2:14

am). **(Count One)**. The video depicts Minor Female 1 entering the bathroom at Cannell's residence and undressing. Minor Female 1 unknowingly exposed her pubic area to a recording device that had been placed in the bathroom and positioned such that it would have recorded both her pubic area as she sits down to use the toilet, stands from a seated position from the toilet after using it, and as she wipes her pubic area with toilet paper. Minor Female 1 walks to the sink to grab her underwear and her pubic area and buttocks are naked and visible as captured by the recording device.

b. One video file approximately 2 minutes and 51 seconds in length and entitled YIEYE-056660-VMSSP\_2021-08-08 035000 that was captured on August 8, 2021 (0350am). **(Count Two)**. The video depicts Minor Female 1 entering the bathroom at Cannell's residence and undressing. Minor Female 1 unknowingly exposed her breasts and pubic area to a recording device that had been placed in the bathroom and positioned such that it would have recorded her pubic area as she was changing and using the toilet.

c. One video file approximately 3 minutes and 08 seconds in length and entitled YIEYE-056660-VMSSP\_2021-08-08 035645 that was captured on August 8, 2021(0356am). **(Count Three)**. The video depicts Minor Female 1 inside the bathroom at Cannell's residence fully naked. Minor Female 1 unknowingly exposed her breasts and pubic area to a recording device that had been placed in the bathroom and positioned such that it would have recorded her pubic area as she was changing or taking a shower.

d. One video file approximately 21 minutes and 45 seconds in length and entitled YIEYE-056660-VMSSP\_2021-08-08 040239 that was captured on August 8, 2021(0402am). **(Count Four)**. The video depicts Minor Female 1 inside bathroom at

Cannell's residence taking a shower in the walk-in shower that has opaque glass. Minor Female 1 unknowingly exposed her breasts and pubic area to a recording device that had been placed in the bathroom and positioned such that it would have recorded her pubic area as she exited the shower and stood in front of the mirror wiping makeup from her face. Minor Female 1 is naked and her breasts and pubic area are exposed to the recording device during this video.

6. Analyst Behling was able to determine the identity of Minor Female 1 and determined she had just turned 16 years of age at the time of the above recordings. I met with her on September 15, 2021. Minor Female 1 confirmed that on August 7 and 8, 2021, she and a minor friend were at Cannell's residence with Cannell and his Cannell girlfriend, who is a friend of Minor Female 1's mother. Minor Female 1 advised that she did use a guest bathroom at Cannell's residence to change clothes, take a shower, and use the toilet. Minor Female 1 stated she was unaware that there was a recording device hidden in the bathroom or the bedroom where she and her friend stayed. This bedroom and bathroom in question were located near the garage to house entry of Cannell's residence. Minor Female 1 stated that while visiting Cannell's residence she was drinking alcohol with Cannell, his girlfriend, and some of her friends that were all above the age of 21 years old. She did so prior to using the bathroom to shower on August 8, 2021. Minor female 1 advised Cannell knew she was underage as she shared pictures with Cannell during this visit in August, of her sustaining a car crash after recently obtaining her drivers license earlier in June of 2021. Cannell was also present when Minor Female attempted to enter an alcohol establishment with Cannell on August 6, 2021 but was refused due to her being underage.

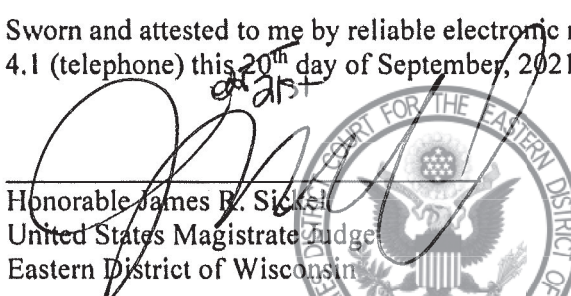


7. I believe that Cannell placed the recording devices in both the above locations, specifically to produce sexually explicit and lascivious recordings of Minor Female 1. In support thereof, I located a video file that shows Cannell possessing the above-described Apple Iphone Model 12 Pro Max and using it to activate the recording device in the bathroom that in turn created a recording of him doing so file name 20210806103710(44328618) approx. 6 seconds in length. This was done in advance of Minor Female 1's arrival and for purposes of ensuring the recording device worked. Further, I located text messages between Cannell and Adult Female 1 during which Adult Female 1 stated the following to Cannell about Minor Female 1, "your're gonna die when you see "Minor Female 1" and Cannell responded "Lmao, why?!" Adult Female 1 states, "Gorgeous and tall as fuck" and Cannell responded with a smiley face emoji.

8. Based upon the foregoing information, I believe there is probable. cause to believe that Michael Cannell produced videos of child pornography in violation of 18 U.S.C. § 2251(a) on the above referenced dates.

  
Affiant Tracy Holschbach

Sworn and attested to me by reliable electronic means pursuant to the requirement of Fed R. Cr. P 4.1 (telephone) this 20<sup>th</sup> day of September, 2021.

  
Honorable James R. Sickel  
United States Magistrate Judge  
Eastern District of Wisconsin

